

BALL JANIK LLP

A T T O R N E Y S

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LOUIS E. GITOMER  
OF COUNSEL  
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RECORDATION NO.

24005-A FILED

DEC 30 '04

11-30 AM

SURFACE TRANSPORTATION BOARD

lgitomer@dc.bjllp.com

December 30, 2004

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
Washington, DC 20423

Dear Secretary Williams:

I have enclosed two certified copies of the document described below, to be recorded pursuant to 49 U.S.C. § 11301.

The document is an Instrument of Lease Termination, a secondary document, dated as of December 30, 2004. The primary document to which this is connected is recorded under Recordation No. 24005. We request that one copy of this document be recorded under Recordation No. 24005-A.

The names and addresses of the parties to the Instrument of Lease Termination are:

Lessor:

LVI, LLC  
200 Clarendon Street  
Boston, MA 02116

Lessees:

Nan Ya Plastics Corporation, America  
Formosa Plastics Corporation, U.S.A.  
Formosa Transrail Corporation  
Formosa Plastics Corporation, America  
9 Peach Tree Hill Road  
Livingston, NJ 07039

A description of the equipment covered by the Instrument of Lease Termination consists of 312 tank railcars numbered FPAX 900001-900033, inclusive, 931001-931150, inclusive, 932001-932065, inclusive, and 941000-941063, inclusive; and 1,710 specialty covered hopper railcars numbered FPAX 5800, 5801, 5805, 5808, 5809, 5812, 5814, 5817, 5819, 5820, 5823,

PORTLAND, OREGON

WASHINGTON, D.C.

BEND, OREGON

BALL JANIK LLP

Honorable Vernon A. Williams  
December 30, 2004  
Page 2

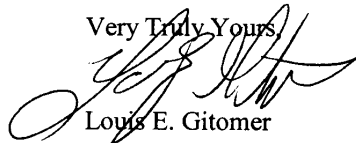
5825, 5826, 5830, 5833, 5834, 5835, 5837, 5839, 5841, 5844, 5845, 890001-890250, inclusive, 890252-890416, inclusive, 930001-930033, inclusive, 940000-940236, inclusive, 940238-940244, inclusive, 940246-940251, inclusive, 950000-950599, inclusive, and 970001-970390, inclusive.

A fee of \$ 32.00 is enclosed. Please return one certified copy to:

Louis E. Gitomer  
Of Counsel  
Ball Janik LLP  
Suite 225  
1455 F Street, N.W.  
Washington, DC 20005

A short summary of the document to appear in the index follows: an Instrument of Lease Termination by LVI, LLC, 200 Clarendon Street, Boston, MA 02116, and Nan Ya Plastics Corporation, America, Formosa Plastics Corporation, U.S.A., Formosa Transrail Corporation, Formosa Plastics Corporation, America, 9 Peach Tree Hill Road, Livingston, NJ 07039, covering 312 tank railcars numbered FPAX 900001-900033, inclusive, 931001-931150, inclusive, 932001-932065, inclusive, and 941000-941063, inclusive; and 1,710 specialty covered hopper railcars numbered FPAX 5800, 5801, 5805, 5808, 5809, 5812, 5814, 5817, 5819, 5820, 5823, 5825, 5826, 5830, 5833, 5834, 5835, 5837, 5839, 5841, 5844, 5845, 890001-890250, inclusive, 890252-890416, inclusive, 930001-930033, inclusive, 940000-940236, inclusive, 940238-940244, inclusive, 940246-940251, inclusive, 950000-950599, inclusive, and 970001-970390, inclusive.

Very Truly Yours,



Louis E. Gitomer

Enclosures

RECORDATION NO. 24005A FILED

DEC 30 '04

11-30 AM

SURFACE TRANSPORTATION BOARD

INSTRUMENT OF LEASE TERMINATION (the "INSTRUMENT"), dated as of December 30, 2004, between LVI, LLC ("LVI"), as lessor, and NAN YA PLASTICS CORPORATION, AMERICA, FORMOSA PLASTICS CORPORATION, U.S.A., FORMOSA TRANSRAIL CORPORATION and FORMOSA PLASTICS CORPORATION, AMERICA, as lessee (collectively, the "Lessee").

WITNESSETH

WHEREAS, a Memorandum of Lease Agreement dated as of June 21, 2002 (the "Lease") between LVI and Lessee, was recorded at the Surface Transportation Board (the "Board") on June 21, 2002 under Recordation No. 24005 for 312 tank railcars numbered FPAX 900001-900033, inclusive, 931001-931150, inclusive, 932001-932065, inclusive, and 941000-941063, inclusive; and 1,710 specialty covered hopper railcars numbered FPAX 5800, 5801, 5805, 5808, 5809, 5812, 5814, 5817, 5819, 5820, 5823, 5825, 5826, 5830, 5833, 5834, 5835, 5837, 5839, 5841, 5844, 5845, 890001-890250, inclusive, 890252-890416, inclusive, 930001-930033, inclusive, 940000-940236, inclusive, 940238-940244, inclusive, 940246-940251, inclusive, 950000-950599, inclusive, and 970001-970390, inclusive (the "Equipment").

WHEREAS, LVI and Lessee desire to execute this INSTRUMENT to evidence for the public record the satisfaction and release of all of the rights and obligations arising under the Lease, except for such obligations intended to survive the termination or expiration of the Lease.

NOW, THEREFORE, in consideration of the premises:

LVI and Lessee do hereby acknowledge and confirm for the public record the satisfaction and release of all rights and obligations arising under the Lease, except for such obligations intended to survive the termination or expiration of the Lease, with respect to the Equipment.

This INSTRUMENT may be executed in two or more counterparts each of which so executed shall be deemed to be an original, and such counterparts together shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

IN WITNESS WHEREOF, LVI and Lessee have executed or caused this INSTRUMENT  
to be executed as of the date first above written.

LESSOR:

LVI, LLC

By: John Hancock Leasing Corporation, its managing  
member

By: David Santom  
Name: DAVID SANTOM  
Title: VICE PRESIDENT

LESSEE:

NAN YA PLASTICS CORPORATION, AMERICA

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

FORMOSA PLASTICS CORPORATION, U.S.A.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

FORMOSA TRANSRAIL CORPORATION

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

FORMOSA PLASTICS CORPORATION, AMERICA

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

IN WITNESS WHEREOF, LVI and Lessee have executed or caused this INSTRUMENT to be executed as of the date first above written.

**LESSOR:**

LVI, LLC

By: John Hancock Leasing Corporation, its managing member

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**LESSEE:**

NAN YA PLASTICS CORPORATION, AMERICA

By: TS  
Name: T.Y. Liao  
Title: VP Finance & Treasurer

FORMOSA PLASTICS CORPORATION, U.S.A.

By: TS  
Name: T.Y. Liao  
Title: VP Finance & Treasurer

FORMOSA TRANSRAIL CORPORATION

By: TS  
Name: T.Y. Liao  
Title: VP Finance & Treasurer

FORMOSA PLASTICS CORPORATION, AMERICA

By: TS  
Name: T.Y. Liao  
Title: VP Finance & Treasurer

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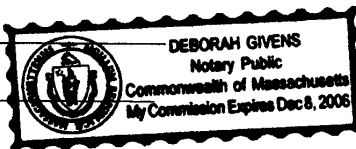
FINANCE DEPARTMENT

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STATE OF Massachusetts )  
 ) ss.  
County of Suffolk )

On this 28 day of December 2004, before me, Deborah Givens, the undersigned  
Notary Public, personally appeared David Santom personally known to me to  
be the person who executed the within instrument as Vice President on behalf  
of the corporation therein named, and acknowledged to me that the corporation executed it.

Deborah Givens  
Notary Public for \_\_\_\_\_  
My Commission expires \_\_\_\_\_



STATE OF \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_ day of December 2004, before me, \_\_\_\_\_, the undersigned  
Notary Public, personally appeared \_\_\_\_\_ personally known to me to  
be the person who executed the within instrument as \_\_\_\_\_ on behalf  
of the corporation therein named, and acknowledged to me that the corporation executed it.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission expires \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_ day of December 2004, before me, \_\_\_\_\_, the undersigned  
Notary Public, personally appeared \_\_\_\_\_ personally known to me to  
be the person who executed the within instrument as \_\_\_\_\_ on behalf  
of the corporation therein named, and acknowledged to me that the corporation executed it.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission expires \_\_\_\_\_

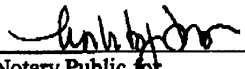
STATE OF \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_ day of December 2004, before me, \_\_\_\_\_, the undersigned Notary Public, personally appeared \_\_\_\_\_ personally known to me to be the person who executed the within instrument as \_\_\_\_\_ on behalf of the corporation therein named, and acknowledged to me that the corporation executed it.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission expires \_\_\_\_\_

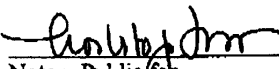
STATE OF NEW JERSEY )  
 ) ss.  
County of Essex )

On this 28<sup>th</sup> day of December 2004, before me, Norberto Jose Torres, the undersigned Notary Public, personally appeared T.Y. Liao personally known to me to be the person who executed the within instrument as VP Finance & Treasurer on behalf of the corporation therein named, and acknowledged to me that the corporation executed it.

  
\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission expires \_\_\_\_\_  
NORBERTO JOSE TORRES  
Notary Public of New Jersey  
My Commission Expires October 4, 2007

STATE OF NEW JERSEY )  
 ) ss.  
County of Essex )

On this 28<sup>th</sup> day of December 2004, before me, Norberto Jose Torres, the undersigned Notary Public, personally appeared T.Y. Liao personally known to me to be the person who executed the within instrument as VP Finance & Treasurer on behalf of the corporation therein named, and acknowledged to me that the corporation executed it.

  
\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission expires \_\_\_\_\_  
NORBERTO JOSE TORRES  
Notary Public of New Jersey  
My Commission Expires October 4, 2007

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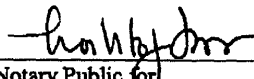
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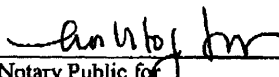
STATE OF NEW JERSEY )  
 ) ss.  
County of Essex )

On this 28<sup>th</sup> day of December 2004, before me, Norberto Jose Torres, the undersigned Notary Public, personally appeared T.Y. Liao personally known to me to be the person who executed the within instrument as VP Finance & Treasurer on behalf of the corporation therein named, and acknowledged to me that the corporation executed it.

  
Notary Public for \_\_\_\_\_  
My Commission expires \_\_\_\_\_  
NORBERTO JOSE TORRES  
Notary Public of New Jersey  
My Commission Expires October 4, 2007

STATE OF NEW JERSEY )  
 ) ss.  
County of Essex )

On this 28<sup>th</sup> day of December 2004, before me, Norberto Jose Torres, the undersigned Notary Public, personally appeared T.Y. Liao personally known to me to be the person who executed the within instrument as VP Finance & Treasurer on behalf of the corporation therein named, and acknowledged to me that the corporation executed it.

  
Notary Public for \_\_\_\_\_  
My Commission expires \_\_\_\_\_  
NORBERTO JOSE TORRES  
Notary Public of New Jersey  
My Commission Expires October 4, 2007

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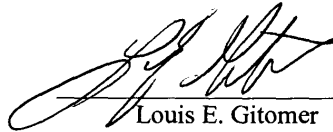
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CERTIFICATION

I, Louis E. Gitomer, have compared this copy to the original Instrument of Lease Termination dated as of December 30, 2004, and found the copy to be complete and identical in all respects to the original document. I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Louis E. Gitomer  
December 30, 2004